

## DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS OF CREATING CONSTRUCTS USEFUL FOR INTRODUCING SEQUENCES INTO EMBRYONIC STEM CELLS, the specification of which is attached hereto unless the following box is checked:

- was filed on November 17, 1998 as United States Application Serial No. 09/193,834.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/084,949	May 11, 1998
60/084,194	November 17, 1997

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2/1/99

Robert D. Klein

Date

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2/1/99

Thomas J. Brennan

Date

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of

Group Art Unit: 1632

Inventors: Robert D. KLEIN et al.

Examiner: P. Paras, Jr.

Appn. No.: 09/193,834

Docket/Order #: MES-01

Filing Date: November 17, 1998

Customer No.: 26619

Title: Methods of Creating Constructs Useful for Introducing  
Sequences into Embryonic Stem Cells

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**POWER OF ATTORNEY FROM ASSIGNEE  
AND REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
Washington, D.C. 20231

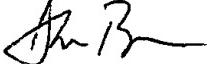
Sir:

The undersigned, being the Assignee of record in the above-entitled patent application, as shown by the chain of title from the original owner to the Assignee described in the Assignment recorded on February 8, 1999 at Reel 9749, Frames 379-380, hereby revokes all previous powers and appoints: **John E. Burke, Reg. #35,836; Robert J. Driscoll, Ph.D., Reg. #47,536; Jane K. Babin, Ph.D., Reg. #47,224, and Mariette A. Lapiz, Reg. #44,202**, all of **DeltaGen, Inc.**, 1003 Hamilton Avenue, Menlo Park, CA 94025, telephone number (650) 463-5836, to whom all communications about this application are to be directed, individually and collectively, my/our attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent.

Assignee has reviewed the evidentiary documents for the aforesaid chain of title and hereby certifies that to the best of Assignee's knowledge and belief, title is in the undersigned Assignee.

Date: June 14, 2001

**DeltaGen, Inc., Assignee**

  
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John E. Burke  
Vice President, Intellectual Property